

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**WELLS FARGO BANK MINNESOTA,
N.A. AS TRUSTEE and ORIX CAPITAL
MARKETS, LLC,**

Plaintiffs,

V.

**MITCHELL KOBERNICK, ALLAN
KLEIN, KENSINGTON CLUB
APARTMENTS, LTD., KENSINGTON
GREEN (MK), INC., and KENSINGTON
GREEN (AK), INC.,**

Defendants.

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**C.A. NO. 8-cv-1458**

# MEMORANDUM AND ORDER

Before the Court are Plaintiff's Motion for Entry of Final Judgment and Attorney's Fees (Doc. No. 53) and Defendants' Motion to Refer Case to Alternative Dispute Resolution ("ADR") and to Abate Case Pending Completion of Alternative Dispute Resolution (Doc. No. 54) and Supplemental Motion to Refer to ADR (Doc. No. 60). At Defendants' request, the Court will delay the entry of final judgment until August 12, 2009. Because Plaintiff agrees to participate in the mediation, Defendants' Motion to Refer Case to Alternative Dispute Resolution is **DENIED** as moot.

**IT IS SO ORDERED.**

**SIGNED** this 27<sup>th</sup> day of July, 2009.

  
KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO ENSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS  
ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY  
AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN  
SENT ONE BY THE COURT.**